

REMARKS

The Examiner has objected to the abstract of the disclosure because it begins with, “The invention relates to.” The abstract has been amended to correct this language. In addition, a substitute specification has been filed with this amendment to correct other grammatical errors in the specification.

Claims 2, 5, and 9 are objected to as failing to comply with 37 CFR 1.75(a). These claims have been amended to correct the errors pointed out by the Examiner. In addition, all of the pending claims have been amended to correct typographical errors and to better conform with U.S. patent practice.

Claims 4, 5, and 6 have been objected to by the Examiner as being improper multiple dependent claims. The claims have been amended to remove the multiple dependencies. Accordingly, this objection is now moot.

Claims 1-9 stand rejected under 35 USC 112, second paragraph, as being indefinite. Specifically, claims 1, 4, 7 and 8 have been objected to for including the phrase “or similar,” and claims 1 and 7 have been rejected for including the phrase “such as.” These phrases have been removed from the claims; accordingly, these rejections are now moot.

Claim 7 has been rejected for failing to provide antecedent basis the phrase “the commands and/or operations.” Claim 7 has been amended to correct this antecedent basis problem.

Claims 1-9 stand rejected under 35 USC 103(a) as being unpatentable over Ward in view of Aihara. This rejection is respectfully traversed. Independent claims 1 and 7 relate to a communications enabled recording device. The device is able to transfer data to an external data sink. In addition, the device includes a memory module that holds information that is used to display the status of data transfer to the external data sink. This status information is displayed on the device’s display.

In paragraph 9 of the office action the Examiner admits that Ward fails to disclose a memory module that holds information that is used to display the status of data transfers to an external device. Accordingly, the Examiner cites to Aihara to disclose a memory module. As discussed below, the Examiner's rejection is improper.

Neither Ward nor Aihara disclose a memory module for holding information that is used to display the status of data transfers to an external device. Further, neither of these references disclose any reason to include such a memory. In combining these references the Examiner states that "An advantage of including a memory for storing display information is that the information may be displayed persistently – that is for a period of time long enough to be read by a user." The Examiner's stated motivation, however, appears no where in any of the cited references.

The Federal Circuit has repeatedly made clear that the PTO must provide documented evidence of what constitutes "common knowledge and common sense" to one of ordinary skill in the art. See in *In re Lee*, 61 USPQ2d 1430, 1433, 1434 (Fed. Cir. 2002) ("This court explained in *Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697, that 'deficiencies of the cited references cannot be remedied by the Board's general conclusions about what is "basic knowledge" or "common sense"'. The Board's findings must extend to all material facts and must be documented on the record, lest the 'haze of so-called expertise' acquire insulation from accountability".) Here the Examiner has offered no record evidence of any kind to support his assertion that "An advantage of including a memory for storing display information is that the information may be displayed persistently – that is for a period of time long enough to be read by a user." Further, the Examiner has not provided any evidence that the stated advantage was a known problem.

Since Ward and Aihara fail to disclose the claimed memory module for holding information that is used to display the status of data transfers to an external device, the rejection of claims 1-9 should be withdrawn.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and

authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connectic
with the filing of this document to Deposit Account No. 03-1952 referencing Attorney Docket No.
449122004500.

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